

**State of California, Court of Appeal
Fourth Appellate District, Division 3
June 21, 2004**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Rylaarsdam, Acting P.J., Moore, J. and Ikola, J. Orlando Duarte, Deputy Clerk attending.

CIVIL CLAY CRAIG
No. v.
G032630 CITY OF LAGUNA BEACH

Merits. Cause called. Stuart B. Esner argues for appellant. Michael J. Strickroth argues for respondent. Cause submitted.

CIVIL MARILYN HARRISON
No. v.
G033120 LARRY CASTILLO

Merits. Cause called. Brent Ayscough argues for appellant. Jack H. Snyder argues for respondent. Cause submitted

CIVIL ROBERT Del'GIUDICE
No. v.
G032903 PATRICIA Del'GIUDICE

Merits. Cause called. Appellant Robert Del'Giudice argues on his own behalf. No appearance for respondent. Cause submitted.

CIVIL LAWRENCE HIERLMEIER
No. v.
G032938 GRINNELL CORPORATION

Merits. Cause called. Kenneth J. Wenzel argues for appellant. Elisa Nadeau argues for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
June 21, 2004 (Cont'd)**

CIVIL ALAN HASSO
No. v.
G031888 MARC TOW

Merits. Cause called. Stephen W. Johnson argues for appellant. J. Ronald Ignatuk argues for respondent Marc Tow. Daniel H. McLinden argues for respondent Preferred Trustee Services. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
June 21, 2004 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Rylaarsdam, J., Moore, J., Aronson, J., and Ikola, J. Orlando Duarte, Deputy Clerk attending.

CIVIL MARY A. CLASS
No. v.
G031993 DENIS K. CLASS

Merits. Cause called. Mark A. Hewitt argues for appellant. Jeffrey W. Doeringer argues for respondent. Cause submitted.

CIVIL HELEN RAMIREZ
No. v.
G032232 BED BATH & BEYOND, INC.

Merits. Cause called. William B. Hanley argues for appellant. Seth L. Neulight argues for respondent. Cause submitted.

CIVIL FARMERS & MERCHANTS TRUST CO.
No. v.
G032264 FAY BLIX

Merits. Cause called. Pamela E. Dunn argues for appellant. Respondent Fay Blix argues on her own behalf. Cause submitted.

CIVIL CARLOS MAGGI et al.
No. v.
G030802 DAVID ALKOSSER et al.

Merits. Cause called. Jeffrey Lurner argues for petitioners. Michael G. Yoder argues for real parties in interest. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
June 21, 2004 (Cont'd)**

CIVIL MARK HURWITZ
No. v.
G032479 CITY OF ORANGE

Merits. Cause called. Stephen M. McNamara argues for appellant. Michael J. Meade argues for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
June 21, 2004 (Cont'd)**

CIVIL No. G029261	CITY OF ANAHEIM v. PACIFIC BELL TELEPHONE COMPANY	Certified for publication
	Opinion filed. Judgment affirmed.	
	We concur: Sills, P.J. Moore, J.	Rylaarsdam, J.
CRIM No. G031638	THE PEOPLE v. MARIO ALBERT UBINA	Not for publication
	Opinion filed. Judgment affirmed.	
	We concur: Sills, P.J. O'Leary, J.	Rylaarsdam, J.
CRIM No. G031672	THE PEOPLE v. CHRISTOPHER DAVID ADAMS	Not for publication
	Opinion filed. Judgment affirmed.	
	We concur: Bedsworth, Acting P.J. Moore, J.	Ikola, J.
CIVIL No. G031914	TERRY M. YOUNG et al. v. MARK BROWN et al.	Not for publication
	Opinion filed. Judgment affirmed.	
	We concur: Sills, P.J. Aronson, J.	Fybel, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
June 21, 2004 (Cont'd)**

CIVIL No. G032095	THOMAS GROVE v. RETAIL PROPERTY PARTNER LIMITED PARTNERSHIP et al. Opinion filed. Appeal dismissed as moot. We concur: Sills, P.J. Fybel, J.	Not for publication Moore, J.
CIVIL No. G032543	BFGC ARCHITECTS PLANNERS, INC. v. FORCUM/MACKEY CONSTRUCTION, INC., et al. Opinion filed. Judgment affirmed. We concur: Sills, P.J. Fybel, J.	Certified for publication Rylaarsdam, J.
CRIM No. G032665	THE PEOPLE v. JOSE VALENTIN BELLO Opinion filed. Judgment affirmed as modified. We concur: Fybel, J. Ikola, J.	Not for publication Rylaarsdam, Acting P.J.
CRIM No. G033142	THE PEOPLE v. MANUEL LOUIE MARTINEZ Opinion filed. Judgment affirmed. We concur: O'Leary, J. Ikola, J.	Not for publication Bedsworth, Acting P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
June 22, 2004**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Bedsworth, Acting P.J., Aronson, J., and Fybel, J. Orlando Duarte, Deputy Clerk attending.

CRIM THE PEOPLE
No. v.
G032635 RUBEN S. POSADAS

Merits. Cause called. Martha Allerton argues for appellant. Taylor Nguyen, Deputy Attorney General argues for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G031656 JOSEPH W. SANDERS

Merits. Cause called. Beatrice C. Tillman argues for appellant. Warren Robinson, Deputy Attorney General argues for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G032392 TONI M. LIPARI

Merits. Cause called. John Tehranian argues for appellant. Angela Borzachillo, Deputy Attorney General argues for respondent. Cause submitted.

CIVIL RICHARD J. SIMUNDZA
No. v.
G032753 BARBARA A. SIMUNDZA

Merits. Cause called. Nancy B. Bunn argues for appellant. No appearance made for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
June 22, 2004 (Cont'd)**

CRIM THE PEOPLE
No. v.
G032282 JOHNNY R. ALVARADO

Merits. Cause called. Daniel G. Koryn argues for appellant. Douglas Lee, Deputy Attorney General argues for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
June 22, 2004 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Rylaarsdam, J., and Ikola, J. Orlando Duarte, Deputy Clerk attending.

CRIM THE PEOPLE
No. v.
G023903 DESTINNI MARDESICH

Merits. Cause called. Michael B. Dashjian argues for appellant. Anthony DaSilva, Deputy Attorney General argues for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G032256 SCOTT A. WHITSON

Merits. Cause called. William J. Kopeny argues for appellant. Karl Terp, Deputy Attorney General argues for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G032512 BENJAMIN BORST

Merits. Cause called. Robert F. McLaughlin argues for appellant. Randall Einhorn, Deputy Attorney General argues for respondent. Cause submitted.

CRIM THE PEOPLE
No. v.
G032390 PETER W. KRAMER

Merits. Cause called. Nancy L. Tetreault argues for appellant. Stacy Tyler, Deputy Attorney General argues for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
June 22, 2004 (Cont'd)**

CIVIL RANDY CRUZ et al.
No. v.
G033454 ORANGE COUNTY SUPERIOR COURT;
 BRISTOL PARK MEDICAL GROUP et al.

Merits. Cause called. Narbeh Bagdasarian argues for petitioners. David P. Pruett argues for real parties in interest Advanced OBGYN Medical Group and Ayoub Khaghani. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
June 22, 2004 (Cont'd)**

CRIM THE PEOPLE
No. v.
G032221 ALEX K.

Pursuant to rule 23(e)(1) of the California Rules of Court, submission of the above-entitled matter is vacated to allow the parties to submit letter briefs addressing the applicability of the recent California Supreme Court decision *John L. v. Superior Court* (June 17, 2004, S098158) Cal.4th, to this matter. Appellant Alex K. may file his letter brief no later than July 9, 2004, and the People may file their letter brief in response no later than July 23, 2004. The matter is resubmitted as of this date for the period allowed by law.

Bedsworth, Acting P.J.

We concur: O'Leary, J.
 Aronson, J.

CIVIL ORANGE COUNTY SOCIAL SERVICES
No. AGENCY
G033403 v.
 CHELSEA B.

Not for publication

Opinion filed. Judgment affirmed.

Rylaarsdam, Acting P.J.

We concur: Bedsworth, J.
 Moore, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
June 22, 2004 (Cont'd)**

CRIM	THE PEOPLE	Not for publication
No.	v.	
G032215	JETHRO L. LARKIN	

Opinion filed. Judgment affirmed

Moore, J.

We concur: Rylaarsdam, Acting P.J.
Fybel, J.

CRIM	THE PEOPLE	Not for publication
No.	v.	
G032633	GREGORY CHARLES DUNHAM	

Opinion filed. Judgment affirmed.

O'Leary, J.

We concur: Sills, P.J.
Fybel, J.

CRIM	THE PEOPLE	Not for publication
No.	v.	
G032266	SUPERB ONUORAH NWANDU	

Opinion filed. Judgment affirmed as modified.

Aronson, J.

We concur: O'Leary, Acting P.J.
Ikola, J.

CRIM	THE PEOPLE	Not for publication
No.	v.	
G031920	ROBERT KEITH DONELSON	

Opinion filed. Judgment affirmed.

Bedsworth, J.

We concur: Sills, P.J.
Aronson, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
June 22, 2004 (Cont'd)**

CRIM No. G031598	THE PEOPLE v. VILI AVA	Not for publication
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Opinion filed. Judgment affirmed.

Aronson, J.

We concur: Bedsworth, Acting P.J.
Ikola, J.

CRIM No. G030827	THE PEOPLE v. JUAN ENRIQUE GARCIA	Not for publication
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Opinion filed. Judgment affirmed.

Bedsworth, J.

We concur: Sills, P.J.
O'Leary, J.

CRIM No. G030612	THE PEOPLE v. MARINA DEJESUS LIDNER	Not for publication
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Opinion filed. Judgment affirmed.

Moore, Acting P.J.

We concur: Fybel, J.
Ikola, J.

CIVIL No. G032938	LAWRENCE HIERLMEIER v. GRINNELL CORP	Not for publication
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Opinion filed. Judgment affirmed.

Moore, J.

We concur: Rylaarsdam, Acting P.J.
Ikola, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
June 22, 2004 (Cont'd)**

CIVIL No. G032903	PATRICIA DEL'GIUDICE v. ROBERT DEL'GIUDICE	Not for publication
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Opinion filed. Judgment affirmed.

Moore, J.

We concur: Rylaarsdam, Acting P.J.
Ikola, J.

CIVIL No. G032732	ROBERT D. FISH v. CARL J. LAMBERT et al.	Not for publication
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Opinion filed. Judgment reversed.

Moore, J.

We concur: Sills, P.J.
O'Leary, J.

CIVIL No. G032630	CLAY CRAIG v. CITY OF LAGUNA BEACH	Not for publication
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Opinion filed. Judgment reversed and remanded.

Moore, J.

We concur: Rylaarsdam, Acting P.J.
Ikola, J.

CIVIL No. G032226	LA PALMA EAST PROPERTIES et al. v. FARMERS & MERCHANTS BANK OF LONG BEACH	Not for publication
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Opinion filed. Judgment affirmed.

Moore, J.

We concur: Bedsworth, Acting P.J.
Ikola, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
June 22, 2004 (Cont'd)**

CIVIL	SELIM ANTER et al.	Not for publication
No.	v.	
G031546	JOE M. BATI et al.	

Opinion filed. Orders affirmed in part and reversed in part.

Sills, P.J.

We concur: Rylaarsdam, J.
Bedsworth, J.

CIVIL	JACK PAUL SAPPINGTON et al.	Certified for publication
No.	v.	
G032234	ORANGE UNIFIED SCHOOL DISTRICT	

Opinion filed. Judgment affirmed.

O'Leary, J.

We concur: Sills, P.J.
Rylaarsdam, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
June 23, 2004**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are O’Leary, Acting P.J., Aronson, J., and Ikola, J. Antoinette Cajigal, Deputy Clerk attending.

CRIM	THE PEOPLE
No.	v.
G030864	JORGE J. GOMEZ

Merits. Cause called. Nancy J. King argues for appellant. Angela Borzachillo, Deputy Attorney General argues for respondent. Cause submitted.

CRIM	THE PEOPLE
No.	v.
G032829	JAVIER R. CEDILLO

Merits. Cause called. Sarita I. Ordonez argues for appellant. Melissa Mandel, Deputy Attorney General argues for respondent. Cause submitted.

CIVIL	NATIONAL CREDIT CONTROL AGENCY INC.
No.	v.
G033236	JEROLD H. RUBINSTEIN

Merits. Cause called. Emily Alexander argues for appellant. Franklin J. Love argues for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
June 23, 2004 (Cont'd)**

CIVIL No. G031639	RENEE DIRKX v. WILLIAM MANROW	Not for publication
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Opinion filed. Judgment affirmed.

Fybel, J.

We concur: Sills, P.J.
Aronson, J.

CRIM No. G031614	THE PEOPLE v. ROBERT GREGORY SMITH	Not for publication
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Opinion filed. Judgment affirmed in part, reversed in part, and remanded.

Fybel, J.

We concur: Sills, P.J.
Aronson, J.

CRIM No. G034031	In re RAYMOND LOPEZ VARELAS on Habeas Corpus	Not for publication
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Opinion filed. Petition granted.

By the Court

O'Leary, Acting P.J., Moore, J., Fybel, J.

CRIM No. G032715	THE PEOPLE v. LUIS URIBE LOZANO	Not for publication
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Opinion filed. Judgment affirmed as modified.

Rylaarsdam, J.

We concur: Sills, P.J.
Fybel, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
June 23, 2004 (Cont'd)**

CRIM No. G033071	THE PEOPLE v. KEVIN DAVID SOLWICK	Not for publication
	Opinion filed. Judgment affirmed.	
	We concur: Aronson, J. Ikola, J.	Rylaarsdam, Acting P.J.
CRIM No. G031614	THE PEOPLE v. ROBERT GREGORY SMITH	Not for publication
	Opinion filed. Judgment affirmed in part, reversed in part, and remanded.	
		Fybel, J.
	We concur: Sills, P.J. Aronson, J.	
CIVIL No. G033518	ORANGE COUNTY SOCIAL SERVICES AGENCY v. KATRINA H.	Not for publication
	Opinion filed. Judgment affirmed.	
	We concur: Sills, P.J. Moore, J.	O'Leary, J.
CIVIL No. G033487	ORANGE COUNTY SOCIAL SERVICES AGENCY v. MARLENE G.	Not for publication
	Opinion filed. Judgment affirmed.	
	We concur: Sills, P.J. Fybel, J.	Moore, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
June 23, 2004 (Cont'd)**

CIVIL	PATRICIA O'BRIEN ANDERSON	Not for publication
No.	v.	
G032608	JAMES CHRISTOPHER O'BRIEN	

Opinion filed. Judgment affirmed.

Bedsworth, Acting P.J.

We concur: Moore, J.
Ikola, J.

CIVIL	RENEE DIRKX	Not for publication
No.	v.	
G031639	WILLIAM MANROW	

Opinion filed. Judgment affirmed.

Fybel, J.

We concur: Sills, P.J.
Aronson, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
June 24, 2004**

CRIM No. G031263	THE PEOPLE v. ROBERT BRUCE ENGEL	Not for publication
	Opinion filed. Judgment affirmed.	
	We concur: Bedsworth, J. O’Leary, J.	Rylaarsdam, Acting P.J.
CRIM No. G031541	THE PEOPLE v. ROBERT ROGELIO RIOS	Not for publication
	Opinion filed. Judgment affirmed.	
	Before Sills, P.J., Rylaarsdam, J, and Ikola, J.	By the Court
CRIM No. G031799	THE PEOPLE v. ELODIA CHAMORRO et al.	Not for publication
	Opinion filed. Judgment affirmed.	
	We concur: O’Leary, Acting P.J. Aronson, J.	Ikola, J.
CIVIL No. G032669	WILLIAM C. McNEILL v. DENTAL ALTERNATIVE INS. SERVICES et al.	Not for publication
	Opinion filed. Judgment affirmed.	
	We concur: Sills, P.J. Rylaarsdam, J.	Moore, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
June 24, 2004 (Cont'd)**

CRIM	THE PEOPLE	Not for publication
No.	v.	
G033094	LUIS M.	

Opinion filed. Judgment affirmed.

Moore, J.

We concur: Rylaarsdam, Acting P.J.
Fybel, J.

CIVIL	MARILYN HARRISON	Not for publication
No.	v.	
G033120	TEL PHIL ENTERPRISES, INC., et al.	

Opinion filed. Judgment reversed and remanded.

Moore, J.

We concur: Rylaarsdam, Acting P.J.
Ikola, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
June 25, 2004**

CIVIL No. G031069	REMIGIO LEBRILLA et al. v. FARMERS GROUP, INC., et al.	Certified for publication
	Opinion filed. Order reversed.	
	We concur: Rylaarsdam, Acting P.J. Moore, J.	O’Leary, J.
CIVIL No. G031662	TOM T. PETROU et al. v. SOUTH COAST EMERGENCY GROUP et al.	Certified for publication
	Opinion filed. Judgment reversed.	
	We concur: Fybel, J. Ikola, J.	Rylaarsdam, Acting P.J.
CRIM No. G032220	THE PEOPLE v. VICTOR MANUEL JACINTO	Not for publication
	Opinion filed. Judgment reversed and remanded.	
	I concur: O’Leary, Acting P.J. I dissent: Fybel, J.	Moore, J.
CIVIL No. G032410	JOSE DaSILVA v. SHARON DaSILVA	Certified for partial publication
	Opinion filed. Orders affirmed in part, reversed in part, and remanded with directions.	
	We concur: Bedsworth, Acting P.J. Moore, J.	O’Leary, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
June 25, 2004 (Cont'd)**

CIVIL	JANET N. MULLIKIN	Not for publication
No.	v.	
G032478	ROGER D. MULLIKIN	

Opinion filed. Order affirmed.

Sills, P.J.

We concur: Rylaarsdam, J.
Fybel, J.

CRIM	THE PEOPLE
No.	v.
G032580	KHANH QUOC TRAN

Order filed. Pursuant to rule 23(e)(1), California Rules of Court, submission of the above matter is hereby vacated and the cause resubmitted as of this date for the time permitted by law. The reason submission is vacated is to allow members of the panel to further consider the circulating draft and to study the issues presented by the parties.

Rylaarsdam, Acting P.J.

We concur: Moore, J.
Fybel, J.

CIVIL	ORANGE COUNTY SOCIAL	Not for publication
No.	SERVICES AGENCY	
G033516	v.	
	FLORENTINA S.	

Opinion filed. Appeal from one order is dismissed. Appeal from a second order is affirmed.

Rylaarsdam, Acting P.J.

We concur: O'Leary, J.
Fybel, J.